

ADR Council Meeting
April 13, 2005
Room 1030

Conducted by Susan Bradshaw

- I. Palmer welcomed the council members to the meeting.
- II. Update
 - II.a. Palmer reported on the meeting that was held with Governor Huntsman's legal counsel, Mike Lee. Palmer DePaulis, Bob Thompson, and Susan Bradshaw attended the meeting. Palmer made a presentation to bring Mike up-to-speed as to where we were in the past, where we are now, and what the ADR Council plans to do in the future. Mike was pleased and excited with the possibilities that ADR presents to state government. Mike indicated that he would help in the effort to get ADR on the Governor's Cabinet schedule. Mike asked Susan to meet with each department head. Mike asked that the ADR Council survey the departments to determine how ADR is now being used. Mike indicated that the survey results would be very important to get the support of legislature. Mike will be provided a copy of the survey results. When Bob Thompson discussed inserting mediation into the CSRB program at his level, Mike asked Bob to determine what rule amendments would be required and if a statutory change would also be required. Mike would take this information to the Governor and Cabinet members, and if in agreement, then allow Bob to do mediations at his level. In addition, the council members also talked to Mike about the ideas the council has for UDOT cases. Mike committed to talk to Darcy Pignanelli about the ADR program. The next step is to provide the feedback that Mike requested.
 - II.b. Pilots
 - II.b.i. Dave Salazar – Dave reported that they had a case last week that was successfully mediated. They have received other inquiries from other agencies. On one request, there is a potential conflict of interest, and the parties indicated that they wanted an outside mediator. Another inquiry is from an entity in rural Utah. Dave believes that the knowledge of the ADR is becoming more widespread.
 - II.b.ii. Darren Rogers – Darren reported that he would continue to advertise the ADR Program. He met with the Provo and Spanish Fork offices, and they identified two mediators that were trained in 1995. Darren will send the names of these individuals to Susan. The Blanding office has expressed some interest in the ADR Program.
 - II.b.iii. Palmer DePaulis – Palmer reported that at his agency they had been doing 600 or so mediations for Salt Lake County appeals per year. This year there is a battle between a tax representative

and the county, and the county filed to prevent the tax representative from representing clients. The case is pending with a decision soon from DOPL. Once this issue is resolved, mediations will resume.

II.b.iv. Susan Bradshaw –

II.b.iv.1. Sal has been the hearing officer for the State Office of Debt Collection. Now, Sal has been reassigned to different tasks. Mediation conferences need to be held in Debt Collection because the hearing officers have indicated that hearing agreements are not enforced, and if mediation agreements were obtained, they would be binding contracts.

II.b.iv.2. UDOT has cases where accidents occur involving UDOT's equipment. UDOT has proposed that a small fee be charged to mediate these cases. All parties would pay a fee, including UDOT and the Office of Debt Collection. Susan asked for input from Council Members on this proposal.

II.b.iv.3. Susan passed around a paper to get input as to when people are available to mediate.

II.c. UCCR Symposium – This will be held in May, and the topics and speakers are well selected. Palmer is slated to chair the conference in 2006.

II.d. SJR 3 – Palmer met with the Utah Intergovernmental Round Table, and he was assigned to check with the ADR Council on ideas of how mediation could be used with outside organizations. The Center for Public Policy is willing to coordinate any cases that may come up among jurisdictions. If you have any ideas, please let Palmer know.

III. Review of Grant

II.b.v. Susan reported that we have \$69,000 in the account, but if we remove the BYU funding it is \$50,000. We have \$75,000 in grants that we've requested and \$100,000 in possible future grants. The grant is non-lapsing. Susan will have a copy of the Grant Report e-mailed to the Council members.

IV. Survey Update

IV.a. Susan briefly reviewed the survey and said that the plan is to have exact statistics by June. Palmer reported on the IT project that he was asked to be an ombudsman for in 2002 and 2003. They used the ADR approach and experienced good results. Cory reported that if an employee went through a grievance process, the cost would be over \$2,000. A 2-hour mediation, however, would cost about \$300. Darren indicated that he has not been interviewed yet, and Susan will make sure he is interviewed by one of the interns.

V. Training and Conferences

V.a. Susan distributed a brochure regarding a conference in Houston and reviewed the outline of the conference. The conference is for state government agencies involved in dispute resolution. If you are interested in attending, scholarships to the conference can be applied for. If interested, discuss it with your agency, as the early registration deadline is Friday.

VI. New Program Feedback – Charging a Fee for Mediation

II.b.iv.4. UDOT and Office of Debt Collection have proposed charging a \$25 fee to all parties for mediation (Susan discussed this earlier in the meeting.) UDOT gives the individual two chances to pay the fine, and then it is turned over to the Office of Debt Collection. Debt Collection charges a significant collection fee. In the proposal, UDOT would send the cases straight to Susan, and this would save the individual from paying the Debt Collection fee. The individual would pay a significantly lower mediation fee than the collection fee. If not solved in mediation, the case would go to Third District Court. Feedback: Irene indicated that a level playing field is a concern because the state may not have the same incentive financially to solve it in mediation. Susan asked for a vote on the proposal and the Council voted unanimously to have OSDC pay for mediation services, instead of charging a fee to the individuals involved in the mediation.

Adjourned at 2:40 p.m.